

**MINUTES**  
**EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, February 14, 2012**

**City Council Chamber**

**4:00 p.m.**

**PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, Dana Wachs and Andrew Werthmann.

**CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, February 14, 2012. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow "to adopt the consent resolution". Said motion passed by unanimous vote.

**PROCLAMATION**

Council President Kincaid, on behalf of the entire Council, read a proclamation declaring February 28 as UW-Eau Claire TRIO Day in the City of Eau Claire.

**PARATRANSIT SERVICES**

The City Council considered a resolution approving the bid and proposal for Procurement No. 2011-76 - Paratransit Services. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden "to adopt said resolution". Following extensive discussion, a motion was offered by Council Member Werthmann and seconded by Council Member Wachs "to postpone consideration of said resolution until the next Council meeting (February 28, 2012) and that a public comment session be held on Monday, February 27, 2012". Said motion to postpone passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Olson, Vue, Wachs and Werthmann. Nay: Council Members Klinkhammer, Mitchell, Pavelski and Von Haden.

**SUMMER SCHOOL AGREEMENT**

The Council considered a resolution approving an agreement between the City of Eau Claire, the Eau Claire Area School District and Cooperative Educational Services Agency, to provide instructional summer school programs in 2012. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Pavelski "to adopt said resolution". Said motion passed by unanimous vote.

### **FAIRFAX PARK FEES**

The City Council considered a resolution approving the 2012 fees and charges for Fairfax Park Municipal Pool. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

### **APPOINTMENTS**

The Council considered a resolution approving the appointment of Thomas Stolp to the Transit Commission as a new appointee to fill an unexpired term which expires on June 20, 2013. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

### **CHIPPEWA COUNTY LIBRARY TAX EXEMPTION**

The City Council considered a resolution exempting the City of Eau Claire from the Chippewa County Tax levy for Library purposes. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote.

### **SCHOOL TAX CREDITS**

The Council considered a resolution authorizing a request to the Wisconsin Department of Administration to remit the school tax, lottery and gaming and first dollar credits directly to the City. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Wachs “to adopt said resolution”. Said motion passed by unanimous vote.

### **SHARED SERVICES INITIATIVES**

The City Council considered a resolution approving a revised Memorandum of Understanding for Governance of the Joint Commission on Shared Services Initiatives. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

### **RAIL SYSTEM PLAN**

The Council considered a resolution requesting that the Governor direct the Wisconsin Department of Transportation to actively and fully participate in the Midwest Regional Rail System Plan development. Council had postponed consideration of said resolution at its previous meeting. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski “to adopt the substitute resolution presented to Council which directs the Wisconsin Department of Transportation to actively and fully participate in the Midwest Regional Rail System Plan development”. Said motion to adopt the substitute resolution passed by unanimous vote.

## **STREET PROJECT FUNDING**

The Council considered a resolution approving the 2010-2013 Highway Safety Improvement Program (HSIP) State/Municipal Project Agreement with the Wisconsin Department of Transportation for the Farwell Street/Madison Street intersection, Project No. 7995-02-33/34. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

## **STREET & SIDEWALK PROJECTS**

The Council considered a Final Resolution approving the project and levying special assessments for street improvements on the following streets:

- Alpine Road, Ironwood Lane to 970 feet east (12-401)
- Cameron Street, Nicholas Drive to N. Clairemont Avenue (12-402)
- Golf Road, STH 93 to Commerce Valley Road (12-403)
- Graham Avenue, Eau Claire Street to E. Lake Street (12-404)
- Old Wells Road, Selma Street to STH 312 (North Crossing) (12-405)
- Starr Avenue, Seymour Road to Railroad Tracks (12-406)
- Vine Street, Eighth Street to Eleventh Street (12-407)

Thereupon a motion was offered by Council Member Vue and seconded by Council Member Von Haden “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to delete the Alpine Road project”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Olson, Pavelski, Vue, Wachs, and Werthmann. Nay: Council Members Kincaid, Klinkhammer, Mitchell and Von Haden. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Cameron Street, Nicholas Drive to N. Clairemont Avenue (12-402)
- Golf Road, STH 93 to Commerce Valley Road (12-403)
- Graham Avenue, Eau Claire Street to E. Lake Street (12-404)
- Starr Avenue, Seymour Road to Railroad Tracks (12-406)
- Vine Street, Eighth Street to Eleventh Street (12-407)

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

## **ALLEY IMPROVEMENTS**

The City Council considered a Final Resolution approving the project and levying special assessments for alley improvements on the following alleys:

- Alley south of Woodland Avenue, Lee Street to Margaret Street (12-500)
- Alley south of Sherwin Avenue, Roderick Street to Lee Street (12-501)
- Alley south of Broadway Street, Second Avenue east to the north/south alley (12-502)
- Alley east of Second Avenue, Niagara Street to Broadway Street (12-503)

- Alley south of Lake Street, Fourth Avenue to Fifth Avenue (12-504)
- Alley east of Sixth Avenue, Lake Street to W. Grand Avenue (12-505)
- Alley east of Sixth Avenue, W. Grand Avenue to Union Street (12-506).

Thereupon a motion was offered by Council Member Olson and seconded by Council Member Mitchell “to adopt said resolution”. Said motion passed by unanimous vote.

### **ZONING AMENDMENT**

The Council considered an ordinance amending the Zoning Code adding provisions for a Mixed-use Overlay District as shown on Planning File #Z-1497-12. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Werthmann “to adopt said ordinance”. Said motion passed by unanimous vote.

### **SKY PARK COVENANTS**

The City Council considered an ordinance amending the Sky Park Protective Covenants and General Development Plan expanding the allowed uses within the area as shown on Planning File #Z-1498-12. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by unanimous vote.

### **ZONING**

The City Council had first reading on an ordinance rezoning property at Prairie Park Drive, west of Southern Way, from TR-1A to R-2P and to adopt the General Development Plan for duplex development as shown on Planning File #Z-1499-12.

### **MASSAGE THERAPY**

The Council had first reading on an ordinance amending Chapter 5.56 of the Code of Ordinances of the City of Eau Claire entitled “Massage Therapy Facilities, Massage Therapists, Massage Practitioners, and the Practice of Massage Therapy”.

### **PARATRANSIT MOTION**

Staff requested clarification on the Council’s directive regarding the public comment session on the Paratransit Services. A motion was offered by Council Member Duax and seconded by Council Member Olson “that the Council President and Interim City Manager are given the authority to determine a time, during the day on Monday, February 27, and a place, giving special consideration to the accessibility needs of the potential speakers, to hold said meeting”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Mitchell, Olson, Pavelski, Von Haden, Vue, Wachs and Werthmann. Nay: Council Member Klinkhammer.

## **ADJOURNMENT**

A motion was offered by Council Member Werthmann and seconded by Council Member Balow “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: February 14, 2012

Time: 7:06 p.m.

ATTEST:

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Kerry J. S. Kincaid, President

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Donna A. Austad, City Clerk